United Nations A/BUR/63/SR.1

General Assembly
Sixty-third session

Official Records

Distr.: General
13 October 2008

Original: English

General Committee

Summary record of the 1st meeting
Held at Headquarters, New York, on Wednesday, 17 September 2008, at 10 a.m.

Chairman: Mr. d'Escoto Brockmann ..... (Nicaragua)
(President of the General Assembly)

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Organization of the sixty-third regular session of the General Assembly, adoption of the agenda and allocation of items

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08-50824 (E)

The meeting was called to order at 10.10 a.m.

Organization of the sixty-third regular session of the General Assembly, adoption of the agenda and allocation of items (A/BUR/63/1 and Corr.1)

Memorandum by the Secretary-General

1. **The Chairman** drew attention to the memorandum by the Secretary-General regarding the organization of the sixty-third regular session of the General Assembly, adoption of the agenda and allocation of items (A/BUR/63/1 and Corr.1).

Chapter II. Organization of the session

Heading F. General debate

2. **Mr. Abdelaziz** (Egypt), supported by **Mr. Abani** (Niger), said that, in view of the Muslim holiday on Tuesday, 30 September 2008, his delegation proposed that the general debate scheduled for Wednesday, 1 October 2008 should be moved to Monday, 29 September 2008, and the general debate currently scheduled for 29 September 2008 should be moved to Saturday, 27 September 2008. The general debate would thus conclude on Monday, 29 September 2008.

3. **Mr. Shaaban** (Under-Secretary-General for General Assembly and Conference Management) said that, since no provision had been made in the programme budget for the biennium 2008-2009 to service the general debate of the General Assembly on a Saturday, indicative additional requirements of $98,500 would arise if the general debate was held on Saturday, 27 September 2008. However, every effort would be made to meet the requirements within the existing provisions under the relevant sections of the programme budget.

4. *The Committee decided to recommend to the General Assembly that the general debate should conclude on Monday, 29 September 2008, with the understanding that the debate would continue on Saturday, 27 September 2008.*

5. **The Chairman** drew the Committee's attention to paragraph 6 of the Secretary-General's memorandum and said that he trusted that he would shortly receive from each of the Vice-Presidents of the General Assembly a letter concerning the designation of a liaison person for the duration of the session.

6. *The Committee took note of all the relevant information contained in chapter II of the memorandum. It decided to draw the attention of the General Assembly to all the necessary information, in particular the information contained in paragraph 38 of the memorandum concerning the timely submission of draft proposals for the review of their programme budget implications, and to recommend to the General Assembly that it should take action on all the proposals contained in that chapter. It also decided to recommend to the General Assembly that it should take note of the information contained in paragraph 43 of the memorandum on the views of the Advisory Committee on Administrative and Budgetary Questions on the use of the phrase "within available resources" and the Advisory Committee's views on the responsibility of the Secretariat to inform the General Assembly regarding the availability of resources to implement a new activity.*

Chapter III. Adoption of the agenda

7. **The Chairman** informed the Committee that, in accordance with paragraph 2 (a) of the annex to General Assembly resolution 58/316, the draft agenda was organized under headings corresponding to the priorities of the Organization as contained in the medium-term plan for the period 2002-2005, the priorities for the period 2006-2007 as set out in General Assembly resolution 59/278 and the priorities for the period 2008-2009 as set out in General Assembly resolutions 61/235 and 61/254.

Paragraphs 49 to 51

8. *The Committee took note of the information contained in paragraphs 49 to 51 of the memorandum.*

Inclusion of items

9. **The Chairman** said that, since the agenda was organized under nine headings, the Committee might wish to consider the inclusion of items under each heading as a whole. However, the Committee might wish to take separate decisions on certain items, where it was deemed appropriate, including in some cases the placement of items under appropriate headings.

10. The draft agenda contained 11 new items, namely item 58 (e) under heading B (Promotion of sustained economic growth and sustainable development in accordance with the relevant resolutions of the General Assembly and recent United Nations conferences) and item 107 (k) and (l) and items 153 to 160 under heading I (Organizational, administrative and other matters).

Paragraph 52

Items 1 to 8

11. **The Chairman** drew attention to paragraph 52 of the memorandum. Items 1 to 8 were not under any heading. The General Assembly had already dealt with items 1 to 3. Items 4 to 8 related to organizational matters.

12. *The Committee decided to recommend to the General Assembly the inclusion in the agenda of items 1 to 8.*

Heading A. Maintenance of international peace and security

Item 19. Question of the Comorian island of Mayotte

13. **The Chairman** said that the General Assembly, at the 30th plenary meeting of the sixty-second session, had decided to include item 19 in the provisional agenda of its sixty-third session. It was his understanding that further consultations were needed on the issue of the inclusion of item 19. He therefore took it that the General Committee wished to defer the consideration of the issue to a later date.

14. *It was so decided.*

Item 40. Question of the Malagasy islands of Glorieuses, Juan de Nova, Europa and Bassas da India

15. **The Chairman** said that the General Assembly, at the 3rd plenary meeting of its sixty-second session, had decided to include item 40 in the provisional agenda of its sixty-third session.

16. **Mr. Abani** (Niger), supported by **Ms. Pierce** (United Kingdom), said that, following consultations with the delegations of Madagascar and France, and without prejudice to the positions of those two countries, his delegation proposed that the Committee should recommend to the General Assembly that consideration of item 40 should be deferred to its sixty-fourth session.

17. *The Committee decided to recommend to the General Assembly that consideration of item 40 should be deferred to its sixty-fourth session and that the item should be included in the provisional agenda for that session.*

Item 28. Declaration of the Assembly of Heads of State and Government of the Organization of African Unity on the aerial and naval military attack against the Socialist People's Libyan Arab Jamahiriya by the present United States Administration in April 1986

18. **The Chairman** said that it was his understanding that the sponsor of the item had requested that it should be withdrawn from the agenda of the current session.

19. *The Committee decided not to recommend to the General Assembly the inclusion of item 28 in the agenda of the sixty-third session.*

20. *The Committee also decided to recommend to the General Assembly the inclusion in the agenda of the items listed under heading A, taking into account the decisions taken regarding items 19, 28 and 40.*

Heading B. Promotion of sustained economic growth and sustainable development in accordance with the relevant resolutions of the General Assembly and recent United Nations conferences

Item 58 (e). Review and appraisal of the World Programme of Action concerning Disabled Persons

21. **The Chairman** said that the inclusion of item 58 (e) had been requested by the Philippines (A/63/142).

22. *The Committee decided to recommend to the General Assembly the inclusion in the agenda of item 58 (e) under heading B.*

23. *The Committee also decided to recommend to the General Assembly the inclusion in the agenda of the items listed under heading B, taking into account the decision taken regarding item 58 (e).*

Heading C. Development of Africa

24. *The Committee decided to recommend to the General Assembly the inclusion in the agenda of the items listed under heading C.*

Heading D. Promotion of human rights

25. *The Committee decided to recommend to the General Assembly the inclusion in the agenda of the items listed under heading D.*

Heading E. Effective coordination of humanitarian assistance efforts

26. *The Committee decided to recommend to the General Assembly the inclusion in the agenda of the items listed under heading E.*

Heading F. Promotion of justice and international law

27. *The Committee decided to recommend to the General Assembly the inclusion in the agenda of the items listed under heading F.*

Heading G. Disarmament

28. *The Committee decided to recommend to the General Assembly the inclusion in the agenda of the items listed under heading G.*

Heading H. Drug control, crime prevention and combating international terrorism in all its forms and manifestations

29. *The Committee decided to recommend to the General Assembly the inclusion in the agenda of the items listed under heading H.*

Heading I. Organizational, administrative and other matters

Item 107 (k). Appointment of the judges of the United Nations Dispute Tribunal

30. **The Chairman** said that the inclusion of item 107 (k) had been requested by the Secretary-General (A/63/192).

31. The Committee decided to recommend to the General Assembly the inclusion in the agenda of item 107 (k) under heading I.

Item 107 (l). Appointment of the judges of the United Nations Appeals Tribunal

32. **The Chairman** said that the inclusion of item 107 (l) had been requested by the Secretary-General (A/63/192).

33. The Committee decided to recommend to the General Assembly the inclusion in the agenda of item 107 (l) under heading I.

Item 153. Observer status for the South Centre in the General Assembly

34. **The Chairman** said that the inclusion of item 153 had been requested by the United Republic of Tanzania (A/63/141).

35. *The Committee decided to recommend to the General Assembly the inclusion in the agenda of item 153 under heading I.*

Item 154. Observer status for the Agency for International Trade Information and Cooperation in the General Assembly

36. **The Chairman** said that the inclusion of item 154 had been requested by Paraguay (A/63/143).

37. *The Committee decided to recommend to the General Assembly the inclusion in the agenda of item 154 under heading I.*

Item 155. Natural resources and conflict

38. **The Chairman** said that the inclusion of item 155 had been requested by Belgium (A/63/191).

39. **Ms. Pierce** (United Kingdom) said that her delegation strongly supported the inclusion of item 155 in the agenda of the General Assembly and recalled that, during the Security Council open debate on natural resources and conflict, held in June 2007, many speakers had suggested that the General Assembly was the more appropriate forum for the consideration of that issue. Her delegation also looked forward to a more coordinated approach by the United Nations and other actors to the issue of natural resources and conflict.

40. **Mr. Abdelaziz** (Egypt) said that while his delegation was not opposed to the inclusion of the item in the agenda of the General Assembly, its inclusion in the section on the maintenance of international peace and security appeared to imply that the issue of natural resources and conflict would be dealt with in coordination with the Security Council. His delegation therefore suggested that the item should instead be included in the section on development and that its title should be amended to read "Strengthening national ownership of natural resources to achieve development in cases of conflict".

41. **Mr. Argüello** (Argentina) said that while his delegation fully agreed that the Security Council was competent to address threats to international peace and security, the principle of non-intervention in the internal affairs of States could be violated if the Security Council intervened in a country to prevent natural resource exploitation that might potentially lead to future threats to international peace and security. For that reason, his delegation could not support the inclusion of item 155.

42. **Mr. Swe** (Myanmar) said that his delegation would not support the inclusion of item 155 in the

agenda of the General Assembly owing to its divisive nature.

43. **Mr. Wang** Guangya (China) said that the issue of natural resources and conflict clearly belonged to the development agenda and did not fall within the scope of the maintenance of international peace and security as defined in the Charter of the United Nations. It was therefore inappropriate to include the item under the section on the maintenance of international peace and security.

44. **Mr. Yáñez-Barnuevo** (Spain) said that another item involving natural resources, namely item 11 (The role of diamonds in fuelling conflict), had been included in the provisional agenda under heading A (Maintenance of international peace and security). It was therefore not unusual that such matters should be considered within the framework of the General Assembly.

45. **Mr. Mbuende** (Namibia) said that, although there was a clear link between natural resources and peace and security, the real question was how to bring natural resources back into the sphere of national development. It was true that the General Assembly had adopted a resolution on the role of diamonds in fuelling conflict; however, the African countries had concerns regarding its content. The resolution had actually been used by some diamond-producing countries to stigmatize diamonds from other countries that were not necessarily conflict diamonds.

46. He did not understand why natural resources should be singled out, as there were many causes of conflict. His delegation agreed with the amendment proposed by the representative of Egypt.

47. **Mr. Renié** (France) said that his delegation supported the inclusion of the item; there was no reason why the Security Council could not consider specific conflict situations while the General Assembly considered conflict from a more general standpoint.

48. *The Committee decided to recommend to the General Assembly that consideration of item 155 should be deferred to a later date.*

Item 156. Commemoration of the seventy-fifth anniversary of the Great Famine of 1932-1933 in Ukraine (Holodomor)

49. **The Chairman** said that the inclusion of item 156 had been requested by the Czech Republic, Estonia, Georgia, Latvia, Lithuania, Poland and Ukraine (A/63/193). The representative of Ukraine had asked to participate in the discussion of the item in accordance with rule 43 of the rules of procedure.

50. *At the invitation of the Chairman, Mr. Sergeyev (Ukraine) took a place at the committee table.*

51. **Mr. Sergeyev** (Ukraine) recalled that the inclusion of the item on the 1932-1933 famine (Holodomor) had been discussed at previous sessions and that, in a spirit of compromise, Ukraine had agreed to delay its consideration until the sixty-third session.

52. He stressed that the future commemorative document would honour not just Ukrainian victims but all those who had lost their lives during the 1932-1933 famine, including Kazakhs and Russians. He therefore called upon the General Committee to include the issue in the agenda of the sixty-third session.

53. *Mr. Sergeyev (Ukraine) withdrew.*

54. **Mr. Churkin** (Russian Federation), supported by **Mr. Wang** Guangya (China) and **Mr. Swe** (Myanmar), said that his delegation opposed the inclusion of item 156. It was well known that the tragic famine had affected not only Ukraine but other parts of the Soviet Union, as well, in particular southern Belarus, the North Caucasus region, northern Kazakhstan, the southern Urals and western Siberia. Western Ukraine, in present-day Poland, had also been affected, however, that fact had not been mentioned by the sponsors. The tragedy had been caused by forced collectivization and by the total control of the State over collective farms, a systemic failing that had extended to the entire Union of Soviet Socialist Republics. The issue had been brought to the attention of the League of Nations, which had referred it to the International Committee of the Red Cross.

55. Although the request for inclusion (A/63/193) made reference to other victims, it implied that the suffering of the Ukrainian people had been particularly acute. That was unfair, as it was impossible to measure who had suffered the most. Discrimination on the basis of ethnic origin was unacceptable and contradicted the principles of the Universal Declaration of Human Rights.

56. In 2003, at the fifty-eighth session of the General Assembly, the Russian Federation delegation and others had put forward a joint statement on the famine of the 1930s in the Soviet Union, including Ukraine. In

2007, the United Nations Educational, Scientific and Cultural Organization (UNESCO) had adopted a resolution in memory of the victims. The Russian Federation had paid tribute to the memory of the victims of the tragic events in the territory of the former Soviet Union in many documents, the most recent of which included a letter dated 18 October 2007 to the General Assembly (A/C.3/62/6) and a statement by the State Duma, which had been transmitted to the Secretary-General in April 2008 (A/62/813). It had offered to engage in bilateral discussions with Ukraine and was willing to make a joint statement similar to the one issued in 2003. In its opinion, there was no point in continuing the debate at the level of the United Nations.

57. On 28 November 2006, Ukraine had adopted a law recognizing the Great Famine of 1932-1933 as a genocide of the Ukrainian people and making it illegal to deny that fact. The inclusion of the famine in international documents would be interpreted by the Ukrainian Government as recognition that a genocide had indeed occurred.

58. In July 2007, the General Committee had decided not to recommend to the General Assembly the inclusion of the item in the agenda for the sixty-second session. In the interest of consistency and for the reasons it has just outlined, the Russian Federation opposed its inclusion in the agenda for the sixty-third session.

59. **Mr. Wolff** (United States of America) said that, 75 years earlier, the world had witnessed a horrific episode of man-made suffering and deprivation in Ukraine. His delegation agreed with Ukraine that it was essential to reflect on the famine as a defining moment in the country's history. The United States therefore supported the inclusion of the item.

60. **Mr. Jeenbaev** (Kyrgyzstan) said that the famine had also affected the people of his country. His delegation opposed the inclusion of the item.

61. **Ms. Pierce** (United Kingdom) said that her delegation accepted that the famine had been one of the greatest catastrophes to have struck the Ukrainian nation in modern history. It also accepted that the tragedy had affected other groups including, notably, Russians and Kazakhs. Noting that the item had already been deferred once, her delegation supported the inclusion of the item in the agenda for the sixty-third session. Any resolution presented under the item should focus on remembrance and commemoration in the interest of achieving consensus.

62. **Mr. Argüello** (Argentina) said that the decision on whether the item should be included should be left to the delegations whose countries had been affected by the famine.

63. **Mr. Wolff** (United States of America) said that, given the clear lack of consensus, his delegation requested a vote on the inclusion of the item.

64. **Mr. Churkin** (Russian Federation) said that the Committee should vote on exclusion of the item rather than inclusion.

65. **The Chairman** said that the representative of Belarus had asked to participate in the discussion. Rule 43 of the rules of procedure did not apply. He took it that the Committee wished to accede to that request.

66. *It was so decided.*

67. *At the invitation of the Chairman, Mr. Rachkov (Belarus) took a place at the Committee table.*

68. **Mr. Rachkov** (Belarus) said that his delegation was ready to consider working with other interested delegations to prepare joint commemorative events, as it had in 2003.

69. *Mr. Rachkov (Belarus) withdrew.*

70. **The Chairman** said that the representative of Poland had asked to participate in the discussion of the item in accordance with rule 43 of the rules of procedure.

71. *At the invitation of the Chairman, Mr. Herczyński (Poland) took a place at the Committee table.*

72. **Mr. Herczyński** (Poland) said that, unfortunately, food was still being used as a political tool; for that reason, his delegation was of the opinion that the item should be included.

73. *Mr. Herczyński (Poland) withdrew.*

74. **Mr. Wolff** (United States of America), speaking on a point of order, recalled that the Chairman had already announced the beginning of the voting procedure. It was his understanding that, pursuant to rule 88 of the rules of procedure of the General Assembly, no representative could interrupt the voting except on a point of order in connection with the actual conduct of the voting. He therefore requested that no

further statements should be heard and that the voting should proceed.

75. **Mr. Churkin** (Russian Federation) said that the voting procedure had begun before all delegations had had the opportunity to voice their opinion; therefore, the comment made by the representative of the United States was unfounded.

76. **The Chairman** said that the representative of Kazakhstan had asked to participate in the discussion. Rule 43 of the rules of procedure did not apply. He took it that the Committee wished to accede to that request.

77. *It was so decided.*

78. *At the invitation of the Chairman, Ms. Aitimova (Kazakhstan) took a place at the Committee table.*

79. **Ms. Aitimova** (Kazakhstan) said that according to the rules of procedure, non-members of the Committee were entitled to attend and fully participate in its meetings. Kazakhstan had a common history with Ukraine and had endured similar suffering in its past.

80. **Mr. Wolff** (United States of America), speaking on a point of order, said that while he was not disputing other delegations' right to speak, it was important for the Committee to apply rule 128 of the rules of procedure, which stated that the voting could not be interrupted except on a point of order in connection with the actual conduct of the voting.

81. **Mr. Churkin** (Russian Federation), speaking on a point of order, said that it was unacceptable for the representative of the United States to interrupt the statement of another State Member of the United Nations, not least because such an interruption implied rejection of the Chairman's decision to continue hearing statements.

82. **The Chairman** said that there would be no more statements.

83. **Mr. Churkin** (Russian Federation), speaking on a point of order, said that he would respect the decision of the Chairman should he accede to the request made by the representative of the United States. However, he reminded the Committee that the first proposal regarding item 156 had been put forward by his delegation; therefore, the Committee should vote on that proposal before any other.

The meeting was suspended at 11.40 a.m. and resumed at 12.30 p.m.

84. **Mr. Wolff** (United States of America) said that following consultations with the sponsors of item 156 and other delegations, he was prepared to support the Chairman's initial recommendation to defer consideration of the inclusion of that item. He therefore withdrew his request for a vote, on the understanding that there would be an opportunity to address the matter at a future Committee meeting, and potentially at a General Assembly meeting, during the 2008 calendar year.

85. *The Committee decided to defer its consideration of the inclusion in the agenda of item 156.*

86. *Ms. Aitimova (Kazakhstan) withdrew.*

Item 157, Need to examine the fundamental rights of the 23 million people of the Republic of China (Taiwan) to participate meaningfully in the activities of the United Nations specialized agencies

87. **The Chairman** said that following informal consultations, it was his understanding that there was general agreement among Committee members that statements with regard to the inclusion of item 157 should be limited to one speaker in favour and one against. He took it that the Committee wished to proceed accordingly.

88. *It was so decided.*

89. **Mr. Beck** (Solomon Islands), noting that the item's wording differed slightly from that of previous years, said that rather than setting a precedent for future sessions of the General Assembly, such changes reflected the flexibility of the sponsors, who were mindful of the increasingly positive relations developing across the Strait.

90. As a guardian of international peace and security and a promoter of human rights, the United Nations must seek to put people first; the world challenges facing the Organization's specialized agencies and programmes required cooperation with all. With the eighteenth largest economy in the world, Taiwan stood ready to contribute resources to health and other programmes. He therefore urged the Committee members to support the inclusion of item 157, which would serve to increase cooperation and to strengthen existing cross-Strait relations. Engagement of the People's Republic of China and the Republic of China

(Taiwan) within the specialized agencies would allow the United Nations to take a more proactive role in developing such relations and instilling mutual trust as both sides worked towards a common cause. Taiwan had a proven track record and was able and willing to work with the specialized agencies; it had furthermore complied voluntarily with a number of international initiatives. Taiwan had willingly worked with all who had approached it, providing scientific and technical know-how. It was a responsible member of the international community, operating more than 34 missions in 29 countries. Whatever decision was taken by the Committee, his delegation welcomed the warming of cross-Strait relations and would continue to support Taiwan. He hoped that the ongoing dialogue between the People's Republic of China and the Republic of China (Taiwan) would provide an opportunity to examine Taiwan's participation in the international community.

91. **Mr. Wang** Guangya (China) said that his delegation opposed the inclusion of item 157 in the agenda of the General Assembly for the sixty-third session. His Government had stated its position on the issue in a letter dated 18 August 2008 addressed to the Secretary-General (A/63/319).

92. There was only one China, and Taiwan was an inseparable part of China's territory, as was widely recognized by the international community. The United Nations and its specialized agencies were intergovernmental organizations composed only of sovereign States, in accordance with the Charter and the statutes of the specialized agencies. The issue of China's representation in the United Nations had been resolved once and for all by the adoption of General Assembly resolution 2758 (XXVI). The so-called principle of universality was based on sovereign States; Taiwan was an inseparable part of China's territory and therefore not a sovereign State. The claim by a small number of countries that Taiwan should be allowed to participate in the activities of United Nations specialized agencies was based on a misinterpretation of the principle of universality and therefore unfounded.

93. His Government attached great importance to the well-being of the people of Taiwan and understood their wish to participate in international activities. It was committed to improving cross-Strait relations, promoting cooperation and defending the lawful rights of the Taiwanese people overseas. The Chinese Government had adopted a flexible and constructive attitude towards Taiwan's participation in the activities of international organizations such as the World Health Organization (WHO), the World Trade Organization and the Asia-Pacific Economic Cooperation (APEC) forum. It was clear that cross-Strait relations had improved; he hoped that both sides would continue to work together on the basis of the one-China principle in order to create conditions conducive to the resumption of negotiations, and thus address the concerns of the people of Taiwan, for example by giving priority to discussions of their participation in WHO activities.

94. The Chinese Government appreciated the decision of the United Nations to endorse the one-China principle and hoped that Member States would continue to support the Chinese Government in its effort to preserve its sovereignty and territorial integrity and to promote the peaceful development of cross-Strait relations. In that connection, he urged Committee members not to support the inclusion of item 157 in the agenda of the General Assembly.

95. *The Committee decided not to recommend to the General Assembly the inclusion in the agenda of item 157.*

Item 158. Request for an advisory opinion of the International Court of Justice on whether the unilateral declaration of independence of Kosovo is in accordance with international law

96. **The Chairman** said that the representative of Serbia had asked to participate in the discussion of the item in accordance with rule 43 of the rules of procedure.

97. *At the invitation of the Chairman, Mr. Jeremić (Serbia) took a place at the Committee table.*

98. **Mr. Jeremić** (Serbia) said that his Government had chosen a legitimate and peaceful way to deal with the Kosovo issue by turning to the International Court of Justice for an impartial advisory opinion. Serbia firmly believed that such an approach was constructive, would help reduce tensions that had arisen since Kosovo's unilateral declaration of independence, prevent further negative developments in the region and facilitate efforts at reconciliation. Serbia did not believe that a substantive discussion of the Kosovo issue at meetings of the General Assembly would be useful; instead, Serbia would prefer to place

its trust in the Court, which was recognized for its impartiality and thoroughness. By doing so, the General Assembly would strengthen the rule of law in international relations and ensure that the Kosovo issue became a symbol of the international community's renewed resolve to uphold the rule of law. He therefore called on the Committee to include the supplementary item in order to help preserve Serbia's sovereignty and territorial integrity.

99. **Mr. Yáñez-Barnuevo** (Spain) said that, in accordance with rule 40 of the General Assembly's rules of procedure, he would not seek to discuss the substance of the item; however, it was an issue of importance that deserved the attention of the General Assembly. He was therefore in favour of including item 158 in the agenda of the General Assembly.

100. **Mr. Renié** (France) said that while he would support any consensus reached on the matter, he did not consider it useful to discuss the Kosovo issue within the General Assembly.

101. **Mr. Argüello** (Argentina) said that Security Council resolution 1244 (1999) was still in force and that any solution to the Kosovo issue must respect the principle of territorial integrity and the Charter of the United Nations. In that context, he would support the inclusion of item 158 in the agenda.

102. **Mr. Abdelaziz** (Egypt), supported by **Mr. Swe** (Myanmar), said that he supported the inclusion of the item in the agenda of the General Assembly. Every Member State had the right to request an advisory opinion from the International Court of Justice, which played a useful role in resolving international conflicts with complete impartiality. Likewise, the final document of the Fifteenth Ministerial Conference of the Movement of Non-Aligned Countries invited the General Assembly to request advisory opinions of the Court on legal questions arising within the scope of its activities.

103. **Ms. Pierce** (United Kingdom) said that the United Kingdom was a staunch supporter of the Court and, unlike Serbia, accepted its compulsory jurisdiction in contentious cases; it also upheld the General Assembly's right to seek advisory opinions from the Court. However, she questioned the utility of such a request in the case under consideration and hoped that Serbia would reconsider its position. It was clear that the request was being made not to seek clarification, but for political reasons, which focused on past conflicts rather than on the future. A request for an advisory opinion from the Court was unlikely to reduce regional tensions; instead, it would increase tensions by prolonging the dispute. Sadly, the request revealed Serbia's unwillingness to give priority to European integration; ultimately, that would damage Serbia itself. She would support the view of the Committee should it decide to include the item in the agenda. In that case, she looked forward to a full airing of the legal and political considerations that the item might raise during the meetings of the General Assembly.

104. There remained much confusion surrounding Security Council resolution 1244 (1999), whether in respect of the future status of Kosovo or the situation prevailing in 1999. In that connection, it was of the utmost importance to consider the context of the request if it was to be submitted to the Court. At that stage, the advantages and disadvantages of such a request, both for Kosovo and, more widely, for the work of the United Nations, should be fully explored.

105. **Mr. Wolff** (United States of America) said that there was no indication that the General Assembly needed advisory opinions in order to decide how to proceed on matters under its consideration. Stability on the ground in Kosovo was a paramount concern. The length of time between the decision to take the matter up and the rendering of an opinion by the Court, and the uncertainty created during that time, would endanger the progress made towards stability in both countries. Serbia and Kosovo must move beyond the animosity that had characterized the dissolution of the former Yugoslavia and take the opportunity to consolidate recent gains and to establish stability and prosperity for their citizens. The international community stood ready to assist both countries, as demonstrated by the 2008 donors' conference for Kosovo's development. He underlined his country's support for the International Court of Justice and recognized the importance of seeking advice from it in appropriate cases.

106. The United States supported a policy of liberal inscription of items on the agenda of the General Assembly. In light of that policy, it had decided not to oppose the inclusion of item 158 in the agenda; nevertheless, because of its strong reservations regarding the appropriateness of the General Assembly's consideration of the item, the United States would dissociate itself from the decision on inclusion of the item.

107. **Mr. Starčević** (Serbia) suggested that, as no member was opposed to the inclusion of item 158, the Committee should decide by consensus to include the item in the agenda of the General Assembly.

108. **Ms. Pierce** (United Kingdom) said that while she did not oppose the inclusion of the item in the General Assembly's agenda as a purely procedural decision, no political conclusions should be drawn from it.

109. *The Committee decided to recommend to the General Assembly the inclusion in the agenda of item 158 under heading 1.*

The meeting rose at 1.10 p.m.

United Nations A/BUR/63/SR.2

General Assembly
Sixty-third session

Official Records

Distr.: General
15 October 2008

Original: English

General Committee

Summary record of the 2nd meeting
Held at Headquarters, New York, on Wednesday, 17 September 2008, at 3 p.m.

Chairman: Mr. d'Escoto Brockmann ..... (Nicaragua)
(President of the General Assembly)

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Organization of the sixty-third regular session of the General Assembly, adoption of the agenda and allocation of items (*continued*)

Memorandum by the Secretary-General (A/BUR/63/1 and Corr.1)

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08-53419 (E)

The meeting was called to order at 3.15 p.m.

Organization of the sixty-third regular session of the General Assembly, adoption of the agenda and allocation of items (*continued*)

Memorandum by the Secretary-General (A/BUR/63/1 and Corr.1)

III. Adoption of the agenda

Heading I. Organizational, administrative and other matters (*continued*)

Item 159. Observer status for the Global Fund to Fight AIDS, Tuberculosis and Malaria in the General Assembly

1. **Mr. Abdelaziz** (Egypt) said that the granting of observer status to the Global Fund in the General Assembly, as proposed by France, would in fact contravene the provisions of General Assembly decision 49/426 of 9 December 1994, which limited such status to States and to those intergovernmental organizations whose activities covered matters of interest to the Assembly. While the activities of the Global Fund did indeed cover matters of interest to the General Assembly, the fact that it had already applied for observer status as a non-governmental organization in the Economic and Social Council clearly indicated that it considered itself an NGO, not an intergovernmental organization, and for that reason his delegation opposed the inclusion of the item in the agenda of the sixty-third session.

2. **Mr. Argüello** (Argentina) said that his delegation did not wish to oppose the consensus in favour of the proposal, but requested clarification of the conditions for granting of observer status to the Global Fund. There were examples of other mixed entities, similar to the Global Fund, that had been invited to participate in the work of the General Assembly as observers. However, he shared the Egyptian delegation's concern that granting observer status to the Global Fund might well encourage other entities which were clearly not of an intergovernmental nature to request such status.

3. **Mr. Renié** (France), supported by **Mr. Madureira** (Portugal), **Mr. Yáñez-Barnuevo** (Spain), and **Ms. Adams** (United Kingdom) said that, while the concerns voiced by delegations regarding the application of the rules and the possibility of setting precedents were understandable, the robustly intergovernmental nature of the Global Fund was supported by the fact that governments constituted three-quarters of the Executive Board of the Global Fund, and that 95 per cent of its funding was provided by governments. Since substantive issues regarding applications for observer status were routinely referred to the Sixth Committee, which was charged with considering whether the legal requirements for such status were met, a similar procedure should be followed with respect to the Global Fund.

4. **Mr. Abdelaziz** (Egypt) said that his delegation could not accept arguments that the General Committee should blindly refer the item to the Sixth Committee for consideration. The General Committee was responsible for ensuring that the rules and regulations of the General Assembly were followed, including the previously cited consensus decision of 1994 which had remained unchallenged over the 14 years since it had been taken. Much as the participation of NGOs and the private sector in the activities of the United Nations were valued, those entities should not be allowed to gain back-door access to a status to which they were not entitled. It was therefore incumbent upon the General Committee to reject the request outright or defer consideration thereof to a future meeting of the Committee.

5. **The Chairman** said that he took it that the General Committee wished to defer its consideration of the inclusion of the item to a later date.

6. *It was so decided.*

Item 160. Observer status for the University for Peace in the General Assembly

7. **The Chairman** said that the inclusion of item 160 had been requested by Costa Rica in document A/63/231.

8. *The Committee decided to recommend to the General Assembly the inclusion in the agenda under heading I of item 160.*

Heading I. Organizational, administrative and other matters

9. *The Committee decided to recommend to the General Assembly the inclusion in the agenda of the items listed under heading I, taking into account the decisions taken regarding item 107 and items 153 to 160.*

Section IV. Allocation of items

Paragraphs 53 to 55

10. *The Committee took note of the information contained in paragraphs 53 to 55.*

Paragraph 56

11. **The Chairman** said that, in paragraph 56 of his memorandum, the Secretary-General had listed items of the draft agenda which had not been considered previously by the General Assembly. If the members of the Committee agreed, he would first request the Committee to decide on the recommendation it should make regarding the allocation of those items, recommended for inclusion in the agenda for the sixty-third session.

12. *It was so decided.*

Paragraph 60

13. **The Chairman** recalled that, in accordance with paragraph 2 of resolution 54/195, any request by an organization for the granting of observer status in the General Assembly would be considered in plenary meeting after the consideration of the issue by the Sixth Committee. The Committee would therefore proceed accordingly with the consideration of items 153, 154 and 160 concerning observer status.

Item 58 (e). Review and appraisal of the World Programme of Action concerning Disabled Persons

14. **The Chairman** said that, owing to the nature of the item, the Secretary-General had requested that it should be allocated to the Third Committee.

15. *The Committee decided to recommend to the General Assembly that item 58 (e) should be allocated to the Third Committee.*

Item 107 (k). Appointment of the judges of the United Nations Dispute Tribunal

16. **The Chairman** said that, owing to the nature of the item, the Secretary-General had requested that it should be considered in plenary meeting.

17. *The Committee decided to recommend to the General Assembly that item 107 (k) should be considered in plenary meeting.*

Item 107 (l). Appointment of the judges of the United Nations Appeals Tribunal

18. **The Chairman** said that, owing to the nature of the item, the Secretary-General had requested that it should be considered in plenary meeting.

19. *The Committee decided to recommend to the General Assembly that item 107 (l) should be considered in plenary meeting.*

Item 153. Observer status for the South Centre in the General Assembly

20. *The Committee decided to recommend to the General Assembly that item 153 should be allocated to the Sixth Committee.*

Item 154. Observer status for the Agency for International Trade Information and Cooperation in the General Assembly

21. *The Committee decided to recommend to the General Assembly that item 154 should be allocated to the Sixth Committee.*

Item 158. Request for an advisory opinion of the International Court of Justice on whether the unilateral declaration of independence of Kosovo is in accordance with international law

22. **The Chairman** said that the sponsor had proposed that the item should be considered directly in plenary meeting.

23. *The Committee decided to recommend to the General Assembly that item 158 should be considered in plenary meeting.*

Item 160. Observer status for the University for Peace in the General Assembly

24. *The Committee decided to recommend to the General Assembly that item 160 should be allocated to the Sixth Committee.*

Item 33. Comprehensive review of the whole question of peacekeeping operations in all their aspects

25. *The Committee took note of the information contained in paragraph 61.*

Item 43. Report of the Economic and Social Council

26. *The Committee took note of the information contained in paragraph 62 and decided to recommend that the General Assembly, when considering item 43 in its entirety in plenary meeting, should take note of the clarification that, in implementing resolution 58/316, the relevant parts of chapter I of the report of the Economic and Social Council would be considered by the Main Committees concerned, under agenda items already allocated to them, for final action by the Assembly.*

Item 47. Integrated and coordinated implementation of and follow-up to the outcomes of the major United Nations conferences and summits in the economic, social and related fields

27. *The Committee took note of the information contained in paragraph 63.*

Item 47. Integrated and coordinated implementation of and follow-up to the outcomes of the major United Nations conferences and summits in the economic, social and related fields

Item 109. Follow-up to the outcome of the Millennium Summit

28. *The Committee took note of the information contained in paragraph 64.*

Item 51. Follow-up to and implementation of the outcome of the 2002 International Conference on Financing for Development and the preparation of the 2008 Review Conference

29. *The Committee took note of the information contained in paragraph 65.*

Item 55 (b). Groups of countries in special situations: specific actions related to the particular needs and problems of landlocked developing countries: outcome of the International Ministerial Conference of Landlocked and Transit Developing Countries and Donor Countries and International Financial and Development Institutions on Transit Transport Cooperation

30. *The Committee took note of the information contained in paragraph 66.*

Item 59. Advancement of women

31. *The Committee decided to recommend to the General Assembly the suggested allocation for the annual report of the Administrator of the United Nations Development Programme on the operations, management and budget of the United Nations Development Fund for Women.*

Item 60 (a). New Partnership for Africa's Development: progress in implementation and international support

32. *The Committee took note of the information contained in paragraph 68.*

Item 67. Promotion and protection of human rights

33. *The Committee took note of the information contained in paragraph 69.*

Item 91. General and complete disarmament

34. *The Committee decided to recommend to the General Assembly that the relevant paragraphs of the report of the International Atomic Energy Agency should be drawn to the attention of the First Committee in connection with its consideration of item 91.*

Item 102. Report of the Secretary-General on the work of the Organization

35. *The Committee decided to recommend to the General Assembly that it should hear a brief presentation by the Secretary-General of his annual report prior to the opening of the general debate.*

Item 112. Revitalization of the work of the General Assembly

36. *The Committee decided to recommend to the General Assembly that item 112 should be allocated to all the Main Committees for the sole purpose of considering and taking action on their respective tentative programmes of work.*

Item 121. Programme planning

37. *The Committee decided to recommend to the General Assembly that item 131 should be allocated to all the Main Committees and to the plenary Assembly to enhance discussion of evaluation, planning, budgeting and monitoring reports.*

Item 131. Administration of justice at the United Nations

38. *The Committee decided to recommend to the General Assembly that item 131 should be allocated to the Fifth Committee and to the Sixth Committee in the light of resolution 62/228 and decision 62/519.*

Item 61. Report of the Human Rights Council

39. **The Chairman** said that during the sixty-second session, the report of the Human Rights Council had been allocated to the Third Committee.

40. **Mr. Renié** (France), speaking on behalf of the European Union, said that the procedure adopted at the sixty-second session should be modified and that the report of the Human Rights Council should be considered directly in the plenary meeting. Such a procedure would allow human rights to be addressed as a cross-cutting issue throughout the machinery of the Organization and allow the Council's report to be addressed with due depth and seriousness.

41. **Mr. Argüello** (Argentina) said that the report of the Human Rights Council should be considered directly in the plenary meeting, in contrast to the practice of the previous two sessions.

42. **Mr. Wolfe** (Jamaica) said that his delegation's position that the report of the Human Rights Council should be allocated to the Third Committee would not change during the current session. Indeed, the manner in which the Third Committee had handled the report during the sixty-second session had proved the fears of some delegations that certain aspects of the report might become unravelled unfounded. On the other hand, splitting consideration of the report between the Third Committee and the plenary meeting, as had been done during the sixty-first session, had proven unsatisfactory.

43. **Mr. Abdelaziz** (Egypt) said that, since discussions and resolutions had gone smoothly in the Third Committee during the previous session, there was no reason to reinvent the wheel during the current session.

44. **Ms. Vaz Patto** (Portugal) said that her delegation maintained its position that the report should be considered directly in the plenary meeting.

45. *At the invitation of the Chairman, Ms. Banks (New Zealand) took a place at the Committee table.*

46. **Ms. Banks** (New Zealand) said that it was important for the report of the Human Rights Council to be considered directly in the plenary meeting in order to reflect that Council's status and mandate, and that more time should be allotted to discussion of the item. A number of countries, including Liechtenstein, Norway and Switzerland had also taken that position.

47. **Ms. Cross** (United Kingdom) said that the position that the report should be considered directly in the plenary meeting had nothing to do with any fears about the way it would be handled by the Third Committee, but with the fact that the Human Rights Council had evolved beyond the institutional building phase and should have its role and status within the United Nations system recognized.

48. *At the invitation of the Chairman, Mr. Ochoa (Mexico) took a place at the Committee table.*

49. **Mr. Ochoa** (Mexico) said that the previous year's procedure had been an exceptional case, and that he agreed with those who had called for more time to be allotted to consideration of the item.

50. **Mr. Renié** (France) said that there was no intention to challenge the way the report had been handled by the Third Committee during the previous session, but that consideration of the report directly in the plenary meeting would reflect the important role of the Human Rights Council within the Organization and would moreover streamline the Third Committee's heavy agenda.

51. **Mr. Brody** (Hungary) said his delegation agreed that although the Third Committee had handled the report in a professional manner during the previous session, the plenary meeting was nonetheless the proper place for considering it.

52. **Mr. Yáñez-Barnuevo** (Spain), endorsing the proposal that the Human Rights Council report should be considered directed in the plenary meeting, suggested that more time might be needed to consider the item.

53. **Mr. Beck** (Solomon Islands) said that consideration of the report by the Third Committee had been particularly useful to countries that had no delegations in Geneva, but that in the absence of a consensus, the item should be deferred for further discussion.

54. **Ms. Pi** (Uruguay) said that the report of the Human Rights Council should go directly to the plenary meeting.

55. **Mr. González** (Costa Rica) said that the previous session's procedure should not be taken as a precedent, and that the plenary meeting was the most appropriate forum for discussion of the report of the Human Rights Council.

56. **Mr. Guo Jiakun** (China) said that the Third Committee, as the United Nations body traditionally responsible for human rights affairs, was the appropriate forum for consideration of the report. There was no reason to change a practice that had been effective in the past.

57. **Mr. Swe** (Myanmar) said that consideration of the report by the Third Committee had proven effective in the past.

58. **Mr. Asami** (Niger) said that the report should be considered in the Third Committee.

59. **The Chairman** said that, having heard the statements just made and taking into account that further consultation was required, he would suggest that the General Committee should defer its consideration of the allocation of item 61.

60. *It was so decided.*

Plenary Assembly

61. *The Committee decided to recommend the proposed allocation of items, taking into account the decisions taken regarding items 33, 55 (b), 60 (a), 61, 67, 107 (k), 107 (l), 121 and 158.*

First Committee

62. *The Committee decided to recommend the proposed allocation of items, taking into account the decisions taken regarding items 82, 112 and 121.*

Special Political and Decolonization Committee

63. *The Committee decided to recommend the proposed allocation of items, taking into account the decisions taken regarding items 40, 112 and 121.*

Second Committee

64. *The Committee decided to recommend the proposed allocation of items, taking into account the decisions taken regarding items 59, 112 and 121.*

Third Committee

65. *The Committee decided to recommend the proposed allocation of items, taking into account the decisions taken regarding items 58 (e), 112 and 121.*

Fifth Committee

66. *The Committee decided to recommend the proposed allocation of items, taking into account the decisions taken regarding items 112 and 121.*

Sixth Committee

67. *The Committee decided to recommend the proposed allocation of items, taking into account the decisions taken regarding items 112, 121, 131, 153, 154 and 160.*

The meeting rose at 4.30 p.m.